

## REMARKS

The Office Action incorrectly lists the currently pending claims as claims 67-75 and 93-98. In actuality, the currently pending claims also include independent claim 92. Applicant will respond on the assumption that the failure to list claim 92 in the Office Action Summary was unintended.

The Office Action states that the newly submitted pending claims recite a new limitation, in particular “the one or more tailored store screens being formulated by the presentation formulator by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the location of the shopper’s computer at the time of the current communication, as determined by the shopper data collector”. The Office Action goes on to state that the applicant has removed the limitation from the original claims which recited the limitation “a shopper database configured to store shopper information”. And further that this demonstrates that the location of the shopper which was part of the shopper’s database is now being dynamically determined in the newly added claims and thus a different invention.

By way of illustration, applicant will refer to pending claim 67 set forth below with the language in issue underlined:

67. A host system communicatively linked to remote computers of shoppers, the host system comprising:

at least one of a merchandise database configured to store information associated with merchandise for sale to the shoppers, and a services database configured to store information associated with services for sale to the shoppers;

a shopper data collector configured to collect and analyze data from the remote computers of shoppers to determine information usable to formulate tailored store screens for shoppers, including for a current communication with the host system by each shopper, data from the shopper’s computer collected and analyzed during the current communication from which the shopper data collector determines for the current communication the location of the shopper’s computer at the time of the current

communication, without the host system requiring the shopper to take any direct action to instruct the shopper's computer to provide such information to the host system and without the host system having such information prior to the current communication;

a presentation formulator configured to formulate tailored store screens to be displayed on the remote computers of shoppers, including for the current communication by the shopper, formulating one or more tailored store screens to be displayed on the shopper's computer during the current communication, the one or more tailored store screens being formulated by the presentation formulator by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the location of the shopper's computer at the time of the current communication, as determined by the shopper data collector; and

a web server configured to communicate with the remote computers of shoppers and to send the tailored store screens to the remote computers.

By way of further illustration, applicant will refer to original and now cancelled claim 17 set forth below with the language underlined to which we direct the attention of the Examiner:

17. A host system communicatively linked to one or more remote computers used by shoppers, the host system comprising:

a merchandise database configured to store information associated with merchandise for sale to the shoppers;

a shopper data collector configured to collect and analyze data associated with communication from the remote computers including hidden data that is hidden from the shoppers and more than one network address sent from one of the remote computers by one of the shoppers to the host system;

a presentation formulator configured to formulate one or more tailored store screens including one or more uniquely customized selection screens for each of the shoppers to be displayed on the remote computers being used by the shoppers when in current communications with the host system, the presentation formulator being configured to formulate the tailored store screens at least in part based on the information stored in the merchandise database, at least in part based on the unique information associated with each of the shoppers contained in data from the first remote

computer including hidden data that is hidden from the shoppers and more than one network address sent from one of the remote computers by one of the shoppers to the host system as collected by the shopper data collector; and

a web server configured to communicate with the remote computers and to send the tailored store screens to the remote computers used by the shoppers.

### Location of Shopper

The issue is whether the limitation “the one or more tailored store screens being formulated by the presentation formulator by including and excluding selected information in at least one of the merchandise database and the services database at least in part based upon the location of the shopper’s computer at the time of the current communication, as determined by the shopper data collector” is a new limitation. Referring to original and now cancelled claim 17 set forth above, it can be seen that the original claim did use the location of the shopper’s computer as recited in pending claim 67. Original claim 17 recited that the shopper data collector is configured to determine the network address of the remote computer used by a shopper to access the host system and the presentation formulator is configured to formulate the tailored store screens based at least in part on the network address of the remote computer. The location of the shopper’s computer is data known by determining the network address and as set forth in the application at page 4, line 28 – page 5, line 1, the shopper using a computer with a Domain Naming System (DNS) entry in New York vs. Washington vs. Colorado entering the same domain name to access may also receive different displayed information. Original claims 39, 43 and 45 also recite the data collector as being configured to determine the network address of the networked computer and the presentation formulator configured to display the tailored store screen and a portion of the database data based on the network address of the accessing networked computer.

The referenced language in the new claims does not cause them to be drawn to a non-elected invention and the invention for which applicant seeks continued prosecution is not a different invention than recited in cancelled claims 1-47. By way of example, new dependent claim 97 refers to the data collector being configured to determine geographical location of the computer as the “additional information”

determined by the data collector about the computer and used by the presentation formulator to select the merchandise and services data to be included in the tailored screen as recited in new independent claim 92. This is the same invention as set forth in cancelled claims 17, 39, 43 and 45, although recited more narrowly.

Applicant has not shifted the invention being claimed and thus prosecution of the pending claims 67-75 and 92-98 is appropriate under the Request for Continued Examination.

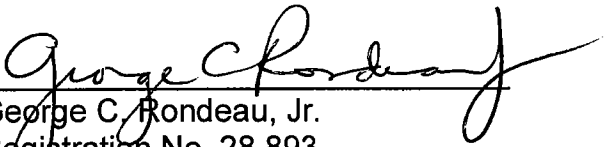
Applicant does not understand the statements in the Office Action that the applicant has removed the limitation from the original claims which recited the limitation “a shopper database configured to store shopper information” and that this demonstrates that the location of the shopper which was part of the shopper’s database is now being dynamically determined in the newly added claims and thus a different invention. Original claim 17 set forth above recites a “merchandise database” but no “shopper database” and certainly does not recite that the shopper database stores the location of the shopper’s computer. Original claim 17 clearly recites the shopper location feature referred to in the Office Action as being “dynamically determined”.

#### Conclusion

In view of the forgoing, applicant believes that the limitation in issue is not a new limitation and the original claims clearly included the feature that the shopper data collector is configured to determine the network address of the remote computer used by a shopper to access the host system and the presentation formulator is configured to formulate the tailored store screens in part based on the network address of the remote computer. Applicant requests that prosecution of this application continue under the Request for Continued Examination.

If questions remain regarding this application, the Examiner is invited to contact the undersigned at (206) 628-7739.

Respectfully submitted,  
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